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**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
MISSOULA DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

SCOTT RHODES,

Defendant.

CV 21-110-M-DLC-KLD

**UNITED STATES OF
AMERICA'S STATEMENT OF
UNDISPUTED FACTS IN
SUPPORT OF ITS MOTION
FOR PARTIAL SUMMARY
JUDGMENT**

The United States of America respectfully submits the following Statement of Undisputed Facts in Support of its Motion for Partial Summary Judgment, filed herewith. All references to “Ex.” included herein are references to the Exhibits to the Declaration of Giovan Aloisio, filed herewith.

1. Defendant Scott Rhodes moved from California to Sandpoint, Idaho around 2015. *See* Ex. A1 (Responses to First Interrogatories) at Response 10; Ex. A3 (Rhodes Depo.) at 15:14–15:19.
2. Rhodes is a self-identified White Nationalist. *See* Ex. B3 (3/3/18 RTP) at 1:00-2:00.
3. Ben Olson is the publisher of the *Sandpoint Reader*, a Sandpoint newspaper. *See* Ex. A4 (Olson Decl.) ¶ 1.
4. In December 2017 and January 2018, the *Sandpoint Reader* published two reports identifying Rhodes as “a person of interest” in two police investigations. One investigation related to “the distribution of racist propaganda at Sandpoint High School”; the other related to anonymous “threatening phone calls” involving “a recording of Adolf Hitler,” which the *Reader* reported had been traced to a phone number associated with Rhodes and his then-employer. Ex. A6 (1/4/18 *Reader* article); *see also* Ex. A5 (12/7/17 *Reader* article).

5. Rhodes was terminated from his job after the articles were published. *See* Ex. A7 (Rhodes separation agreement) at USA_00007419 (showing agreement date of January 21, 2018).

I. Rhodes Creates “The Road to Power”

6. In or around March 2018, Rhodes began hosting an online “[v]ideo podcast for White Nationalists” called “The Road to Power.” As of October 10, 2023, all episodes of The Road to Power are available at www.bitchute.com/channel/theroadtopower/, and the “about” section of that webpage refers to The Road to Power as a “[v]ideo podcast for White Nationalists.” *See* www.bitchute.com/channel/theroadtopower/. *See also* Ex. B3 (3/3/18 RTP) (first Road to Power episode is dated March 3, 2018).

7. The podcast has also been posted to other online video platforms including Youtube, Pewtube, Gab, and Blubrry. *See* Ex. B12 (5/6/2018 RTP) at 1:00-4:10 (discussing video platforms carrying podcast).

8. Rhodes is the host of the Road to Power. *See* Ex. A2 (Responses to First RFAs) at Response 1.

9. Rhodes introduced himself as the “host” in every episode of the Road to Power, and he is the only person who appears live in any of the podcast episodes. *See* Exs. B3–B21 (All RTP episodes).

10. Rhodes purchased the Internet domain “theroadtopower.com” and used it for the podcast. *See* Ex. A2 (Responses to First RFAs) at Response 9 (admitting Rhodes “own[s] the theroadtopower.com domain name”).

11. As of October 10, 2023, online visitors to www.theroadtopower.com are automatically redirected to www.bitchute.com/channel/theroadtopower/. *See* www.theroadtopower.com; Aloisio Decl. ¶ 3.

12. Rhodes used “theroadtopower@protonmail.com” as the email address for the Road to Power podcast. He closed 18 of 19 Road to Power episodes by informing viewers they could ask questions of Rhodes by sending emails to theroadtopower@protonmail.com, and he did not provide other email addresses for viewers to contact the podcast. *See* Exs. B3–B21 (All RTP Episodes); Ex. A8 (3/24/18 RTP Screen Capture) (showing Rhodes providing theroadtopower@protonmail.com as contact information).

13. During other portions of podcast episodes, Rhodes also repeatedly told viewers they could email him at theroadtopower@protonmail.com. For example, during the Road to Power episode dated March 17, 2018, Rhodes suggested viewers read a particular book and said: “Check it out and then let me know what you think. You can email me at theroadtopower@protonmail.com.” Ex. B5 (3/17/18 RTP) at 30:15–30:30.

14. Likewise, during the Road to Power episode dated April 22, 2018 episode, following a discussion of a topic, Rhodes asked viewers: “What are your thoughts on it? Email me, theroadtopower@protonmail.com, or call and leave a voicemail message at 415-295-4776[.]” Ex. B10 (4/22/18 RTP) at 19:30–20:00.

15. Likewise, during the Road to Power episode dated June 10, 2018, Rhodes said that theroadtopower@protonmail.com had been reinstated after being temporarily shut down and told viewers they “can reach us there again.” Ex. B15 (6/10/18 RTP) at 1:00–2:00.

16. Rhodes also repeatedly answered viewer emails during Road to Power episodes. For example, during the Road to Power episode dated March 10, 2018, Rhodes stated: “After last week’s episodes I received emails, a couple of which I would like to address . . .” and responded to those emails. Ex. B4 (3/10/18 RTP) at 1:00–1:30.

17. Likewise, during the Road to Power episode dated March 17, 2018, Rhodes stated: “I received an email asking why I did not talk specifically about IQ differences . . .” and went on to respond to that question. Ex. B5 (3/17/18 RTP) at 1:30–2:00.

18. Likewise, during the Road to Power episode dated April 20, 2020, Rhodes displayed an image of an email received at the “theroadtopower” email address and discussed that email at length. *See* Ex. B21 (4/20/20 RTP) at 36:15–38:00.

19. In his response to FCC’s Notice of Apparent Liability, Rhodes also repeatedly described theroadtopower@protonmail.com as contact information that he purported would fulfill his legal obligation to provide contact information in a robocall. (Doc. 1-2 ¶¶ 28, 65, 81.)

20. Rhodes promoted the Road to Power podcast using a “@theroadtopower” account on the social media website Gab. Gab AI Inc. records show that the “@theroadtopower” Gab account was created on March 8, 2018 using the theroadtopower@protonmail.com email. *See* Ex. B22 (Gab “account info” for @theroadtopower); Ex. B23 (Gab “user info” for @theroadtopower). There are numerous posts on the @theroadtopower Gab account promoting Road to Power episodes. *See* Aloisio Decl. ¶ 10.

21. Rhodes repeatedly discussed the @theroadtopower Gab account during episodes of the Road to Power podcast and responded to comments received via that account during the podcast. For example, during the Road to Power episode dated May 27, 2018, Rhodes explained that “a viewer hit me up on Gab.AI and asked me to read *Siege* by James Mason,” and displayed an image of the @theroadtopower Gab account. Ex. B14 (5/27/18 RTP) at 7:15-7:45.

22. Likewise, during the Road to Power episode dated May 6, 2018, Rhodes told viewers to “follow us on Gab.AI” and displayed an image of the @theroadtopower Gab account. Ex. B12 (5/6/18 RTP) at 3:00-4:10.

23. Further, as of October 10, 2023, the “About” section of the www.bitchute.com/channel/theroadtopower/ webpage provides visitors with a hyperlink to <https://gab.com/theroadtopower>, which takes visitors to the homepage of the @theroadtopower Gab page. *See* www.bitchute.com/channel/theroadtopower/; Aloisio Decl. ¶ 7.

24. In his response to FCC’s Notice of Apparent Liability, Rhodes also repeatedly described the @theroadtopower Gab account as contact information that he purported would fulfill his legal obligation to provide contact information in a robocall. (Doc. 1-2 ¶¶ 28, 65, 81.)

25. In or around late February 2018, Rhodes purchased the telephone number 415-295-4776 from j2 Web Services, Inc. (“j2”). Records obtained from j2 reflect that Rhodes purchased 415-295-4776 on or about February 26, 2018, *see* Ex. A9 (j2 Rhodes records), and Rhodes has acknowledged that 415-295-4776 was one of his phone numbers in 2018, *see* Ex. A1 (Responses to First Interrogatories) at Response 8 (identifying 415-295-4776 as one of Rhodes’ phone numbers in 2018).

26. Rhodes closed his first 11 Road to Power episodes by informing viewers they could ask questions to be answered by Rhodes on the podcast by leaving voice messages at 415-295-4776. *See* Ex. A8 (3/24/18 RTP Screen Capture) (showing Rhodes providing theroadtopower@protonmail.com as contact information); Exs. B3–B13 (3/3/18–5/19/18 RTP Episodes); (Doc. 1-2 ¶ 30.)

27. During other portions of podcast episodes, Rhodes told viewers they could leave messages for him at 415-295-4776. For example, during the Road to Power episode dated April 22, 2018, Rhodes told a viewer to “please call me at area code 415-295-4776 . . . and I will call you back[.]” Ex. B10 (4/22/18 RTP) at 4:45-5:30.

28. By mid-May 2018, Rhodes had posted 10 videos containing nearly as many hours of content to the video hosting platform that was then linked to theroadtopower.com. An Internet Archive snapshot showing the webpage linked to theroadtopower.com as of May 15, 2018 displays 10 videos, most of which are between 40 minutes and an hour in duration. *See* Ex. A10 (Internet Archive snapshot showing the webpage to which the “theroadtopower.com” URL directed views as of May 15, 2018); Aloisio Decl. ¶¶ 11–13 (explaining Internet Archive and relevant snapshot).

29. That Internet Archive snapshot shows that on May 15, 2018, The Road to Power had only two subscribers. *See* Ex. A10 (Internet Archive snapshot showing the webpage to which the “theroadtopower.com” URL directed views as of May 15, 2018).

II. Rhodes Starts Making “theroadtopower.com” Robocalls

30. On May 15, 2018, following a one-day trial starting May 14, Rhodes purchased an \$89 monthly subscription for “Power Dialer” software from Electronic Voice Services, Inc. (“EVS”). Ex. A12 (Rhodes’ EVS Order); Ex. A13

(Rhodes EVS Installation Instructions); Ex. A2 (Responses to First RFAs) at Response 4.

31. Rhodes signed a Dialer Services Agreement with EVS reflecting a service start date of May 14, 2018. Ex. A11 (EVS–Rhodes Agreement).

32. Rhodes purchased the Power Dialer software using his own name, his 415-295-4776 phone number, his srhodes208@gmail.com email account, and his Sandpoint, Idaho address, which was 10920 West Pine Street, Sandpoint, ID 83864. *See* Ex. A12 (Rhodes EVS Order); Ex. A2 (Responses to First RFAs) at Responses 2, 14 (admitting those were Rhodes’ email address and residential address); Ex. A1 (Responses to First Interrogatories) at Response 10.

33. EVS’s Power Dialer software enabled a user to (1) rapidly dial through lists of telephone numbers, (2) display a caller ID of the user’s choice, and (3) play prerecorded messages during phone calls. *See* Ex. A14 (Hardgrave Decl.) ¶¶ 4–6; Ex. A15 (Power Dialer brochure).

34. The Power Dialer did not allow a user to make calls without displaying a caller ID to the call’s recipient. *See* Ex. A14 (Hardgrave Decl.) ¶ 6.

35. Rhodes’ Power Dialer subscription enabled Rhodes to download the Power Dialer software to one computer and use the software to make calls from that computer and only that computer. Ex. A14 (Hardgrave Decl.) ¶¶ 8–9.

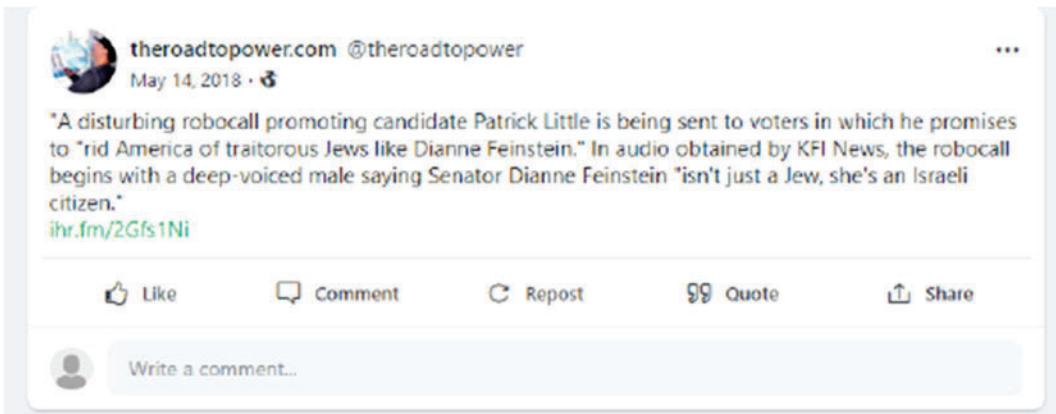
36. The Dialer Services Agreement Rhodes signed on May 14, 2018 as a precondition for obtaining EVS' Power Dialer required Rhodes: (1) to use the Power Dialer "in full compliance with all laws and regulations," (2) to transmit only "accurate Caller-ID information[,]” and (3) to "mak[e] all mandatory disclosures" to individuals called using the Power Dialer. Ex. A11 at USA_00004158 (Rhodes–EVS Agreement).

37. Rhodes continued to pay \$89 monthly through November 16, 2018, to retain access to the Power Dialer. Ex. A16 (Rhodes–EVS Billing Records).

38. Call records produced by EVS reflect telephone calls made using Rhodes' EVS Power Dialer account. Ex. A14 (Hardgrave Decl.) ¶ 10; Ex. B1 (Rhodes–EVS Call Records).

39. The call records for Rhodes' account show that Rhodes made over 1,000 calls to mostly California telephone numbers between May 14 and 19, 2018. Rows 32–508 and rows 571–1871 of the call records reflect calls to mostly California area codes in the "caller_destination" column (column O) made from May 14–19, 2018. *See* Ex. B1 (Rhodes–EVS Call Records); Aloisio Decl. ¶ 15 (213, 310, 323, 408, 415, 510, 559, 562, 619, 626, 650, 661, 707, 714, 760, 805, 818, 831, 858, 916, 925, 949 are all California area codes).

40. During those days, posts from the @theroadtopower Gab account took credit for thousands of robocalls to Californians and provided links to reports discussing those calls.



theroadtopower.com @theroadtopower
May 14, 2018 • 3

"A disturbing robocall promoting candidate Patrick Little is being sent to voters in which he promises to 'rid America of traitorous Jews like Dianne Feinstein.' In audio obtained by KFI News, the robocall begins with a deep-voiced male saying Senator Dianne Feinstein 'isn't just a Jew, she's an Israeli citizen.'
ihr.fm/2Gfs1Ni

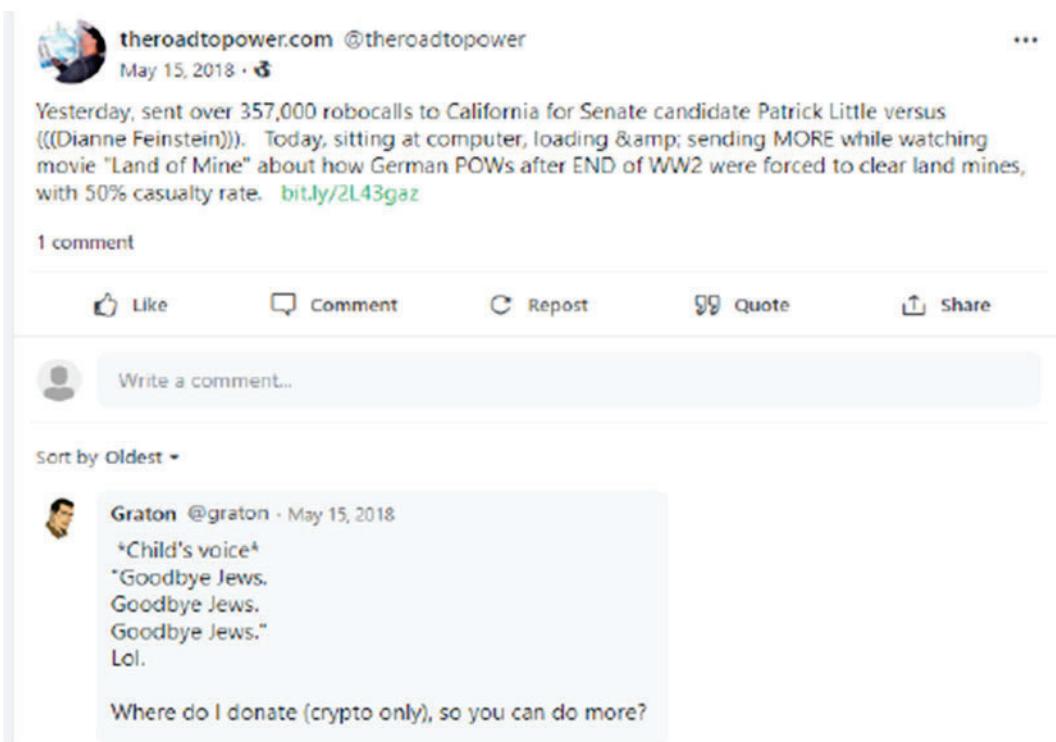
Like Comment Repost Quote Share

Write a comment...



theroadtopower.com @theroadtopower
May 14, 2018 • 3

So this robocall for Patrick Little for Senate campaign has just delivered over 357,000 calls to Californians! Turning it off for now as it's reached today's budget.
soundcloud.com/user-316318456-302111820/patri...



theroadtopower.com @theroadtopower
May 15, 2018 • 3

Yesterday, sent over 357,000 robocalls to California for Senate candidate Patrick Little versus (((Dianne Feinstein))). Today, sitting at computer, loading & sending MORE while watching movie "Land of Mine" about how German POWs after END of WW2 were forced to clear land mines, with 50% casualty rate. bitly/2L43gaz

1 comment

Like Comment Repost Quote Share

Write a comment...

Sort by Oldest ▾

Graton @graton • May 15, 2018

Child's voice
"Goodbye Jews.
Goodbye Jews.
Goodbye Jews."
Lol.

Where do I donate (crypto only), so you can do more?

Ex. A17 (5/14/18 Gab Post 1); Ex. A18 (5/14/18 Gab Post 2); Ex. A19 (5/15/18 Gab Post 1).

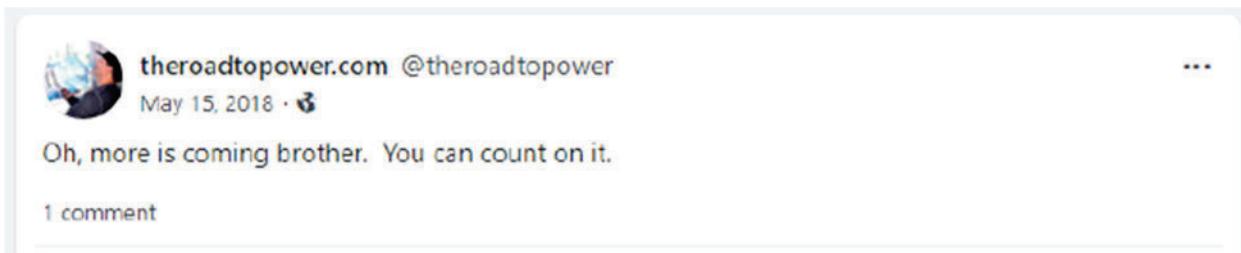
41. One of the articles linked in a May 18, 2018 @theroadtopower Gab account post about the May 14–19, 2018 California robocalls includes a transcript of the robocall, which contains anti-Jewish statements about Diane Feinstein and does not identify Rhodes at the outset or provide a callback number for Rhodes. Aloisio Decl. ¶ 48; Ex. A21 (5/18/18 ADL Report).

42. Certain of the @theroadtopower Gab account posts regarding the May 14–19, 2018 California robocalls also contained links to a soundcloud.com webpage including a since-removed audio recording of the robocall. Aloisio Decl. ¶ 49; Ex. A18 (5/14/18 Gab Post 2); Ex. A22 (5/14/18 theroadtopower.com SoundCloud post).

43. Records obtained from SoundCloud show that the account to which the audio was posted—the account of user-316318456-302111820, *see* Ex. A22 (5/14/18 theroadtopower.com SoundCloud post)—was opened using the “theroadtopower@protonmail.com” email address on May 14, 2018, and that the username for the account was “theroadtopower.com.” Ex. A23 (SoundCloud theroadtopower.com records).

44. Responses to the @theroadtopower Gab account posts related to the May 14–19, 2018 California robocall campaign provided positive feedback, including offers of donations. *See Ex. A19 (5/15/18 Gab Post 1).*

45. A May 15, 2018 @theroadtopower Gab account post promises more:



theroadtopower.com @theroadtopower
May 15, 2018 • 3
Oh, more is coming brother. You can count on it.
1 comment

Ex. A20 (5/15/18 Gab Post 2).

III. Rhodes Uses and Loses the J2 Caller ID, Then Starts Spoofing

46. During the May 14–19, 2018 California robocall campaign, Rhodes caused the Power Dialer to display his registered 415-295-4776 caller ID. For those calls, which are shown between rows 32 and 1,871 of the EVS records, the “caller_id_name” column (column m) reflects that the Power Dialer displayed Rhodes’ assigned 415-295-4776 caller ID. *See Ex. B1 (Rhodes–EVS Call Records).*

47. The EVS call records for Rhodes’ account show that when Rhodes used the Power Dialer in May, June, and July 2018, he continued to display that caller ID. For those calls in rows 1,871–22,414, the “caller_id_name” column (column m) reflects the 415-295-4776 number. *See Ex. B1 (Rhodes–EVS Call Records).*

48. During that period, recipients of calls reflected in the EVS call records for Rhodes' account submitted sworn complaints to FCC about upsetting robocalls received from 415-295-4776. For example, on June 24, 2018, Tennessee resident Robert Overton filed a sworn complaint with FCC regarding a call he received from 415-295-4776 at 615-315-#AA¹. The complaint states: "I received a racist robocall. These types of calls should definitely be blocked." Ex. A24 (Sworn Complaints re: 415-295-4776 robocalls) at USA_00003986.

49. Row 13,233 of the EVS call records for Rhodes' account reflects the call described in Overton's declaration. Ex. B1 (Rhodes-EVS Call Records).

50. On July 5, 2018, Pennsylvania resident Daniel Krall filed a sworn complaint with FCC regarding a call he received from 415-295-4776 at 215-440-#AB¹. The complaint states: "Office received a robocall from a caller labeled J2 Global Communication at 1:25pm. The pre-recorded message sounded like a political robocall but was horrifically racist and inflammatory, the call ended with the statement that this call was paid for by 'theroadtopower.com.' This type of directed

¹ Pursuant to the Protective Order in this matter (Doc. 52) the government has redacted the final four digits of non-parties' telephone numbers from its public filings on CM/ECF, including this Statement and the underlying Exhibits. For clarity in this Statement, the government has included confidential identifiers, such as "#AA" in place of those digits. Original, unredacted versions of all Exhibits displaying telephone numbers have been produced to Rhodes, and the government does not believe there could be a good faith dispute regarding the accuracy of any of its assertions that telephone numbers displayed in Exhibits match the telephone numbers in certain rows of the EVS call records for Rhodes' account. If Rhodes nonetheless raises such a dispute, the government is prepared to file unredacted version of this Statement and all Exhibits under Seal.

hate speech is unacceptable.” Ex. A24 (Sworn Complaints re: 415-295-4776 robocalls) at USA_00003987.

51. Row 17,503 of the EVS call records for Rhodes’ account reflects the call described in Krall’s declaration. Ex. B1 (Rhodes–EVS Call Records).

52. On June 6, 2018, California resident Jill Oviatt filed a sworn complaint with FCC regarding a call she received from 415-295-4776 at 760-342-#AC. The complaint states: “On Tuesday, June 5 we received a robocall . . . that was racist and incredibly offensive. The main message seemed to be that people should move to Northern Idaho because it’s the whitest place in America and you wouldn’t have to put up with all the other races and ethnicities ruining the United States. This must be illegal. . . .” Ex. A24 (Sworn Complaints re: 415-295-4776 robocalls) at USA_00003989.

53. Row 6,382 of the EVS call records for Rhodes’ account reflects the call described in Oviatt’s declaration. Ex. B1 (Rhodes–EVS Call Records).

54. On July 15, 2018, California resident Jeffrey Guerra filed a sworn complaint with FCC regarding a call he received from 415-295-4776 at 415-652-#AD. The complaint states: “Racist call message left with me about someone named John Fitzgerald running for Congress and who is against Jews.” Ex. A24 (Sworn Complaints re: 415-295-4776 robocalls), at USA_00003990.

55. Row 21,025 of the EVS call records for Rhodes' account reflects the call described in Guerra's declaration. Ex. B1 (Rhodes–EVS Call Records).

56. On or about June 1, 2018, in response to complaints, j2 deactivated Rhodes' account, stripping him of the 415-295-4776 phone number. J2's records for Rhodes' account show that it was deactivated on June 1, 2018 and note, “[w]e have received complaints of harassment[.]” Ex. A9 (j2 Rhodes records).

57. Rhodes knew he had lost use of that phone number, and complained in a June 10, 2018 podcast episode that “Jews got that phone number ‘shut down[.]’” (Doc. 1-2. ¶ 30.) *See also* Ex. B15 (6/10/18 RTP) at 1:00–2:00.

58. Nonetheless, through mid-July 2018, Rhodes continued to cause the Power Dialer to display the number 415-295-4776 when he used it to make robocalls. *See* Ex. B1 (Rhodes–EVS Call Records) at rows 1,872–22,414 (reflecting Rhodes' continuing use of the 415-295-4776 caller ID through July 27).

59. In late July, after briefly causing the Power Dialer to display a caller ID with the area code 877, Rhodes began “neighbor spoofing,” by causing the Power Dialer to display caller IDs associated with the areas he was calling. *See* Ex. B1 (row 22,500 showing Rhodes beginning to use the phone number 208-255-1488 when calling recipients with the area code 208). *See also* Ex. A1 (Responses to First Interrogatories) at Response 8 (listing all of Rhodes' phone numbers in 2018 and not including 208-255-1488).

60. After July 2018, posts on the @theroadtopower Gab account continued to highlight robocalls attributed to the Road to Power. *See* Ex. A25 (8/30/18 Gab post), Ex. A26 (8/31/18 Gab post), Ex. A27 (9/2/18 Gab post 1); Ex. A28 (9/2/18 Gab post 2).

61. Rhodes also devoted lengthy podcast segments to the Road to Power robocalls. *See, e.g.*, Ex. B17 (8/17/18 RTP) at 1:30–16:00; Ex. B18 (9/23/18 RTP) at 1:30–6:00; Ex. B20 (3/29/20 RTP) at 41:30–50:21.

62. In the post-July 2018 Gab posts and podcast discussions, Rhodes did not unambiguously claim credit for the spoofed robocalls, and instead he promoted the calls without acknowledging responsibility. For example, a September 2018 @theroadtopower Gab account post states:

theroadtopower.com @theroadtopower
Sep 2, 2018 • 3

This morning on MSNBC, Joy "Congoid" Reid repeated the accusation that our video podcast is responsible for robocalls mocking negro Andrew Gillum who be running for gubbanoor o' Flo'ida. If Reid knew that we made her N.O.W. in episode 20180429 maybe she would have been nicer about our podcast on her show this morning?

Ex. A28 (9/2/18 Gab post 2).

63. Similarly, in a September 2018 podcast segment discussing the same robocall campaign, Rhodes asserted that even though the robocall “reportedly said it was paid for by theroadtopower.com . . . the fact is, nowhere in these video

episodes or on social media have I or anyone else speaking for the podcast claimed any responsibility for those calls.” Ex. B18 (9/23/18 RTP) at 2:45–3:45.

64. The robocalls from the specific campaigns discussed in the above social media posts and podcast segments appear on the EVS call records for Rhodes’ account. *See infra ¶¶ 83–111, 140–148.*

IV. Spoofed Robocall Campaigns

a. The August–September 2018 Charlottesville, Virginia campaign

65. The EVS call records for Rhodes’ account display hundreds of calls made between August 15 and September 2, 2018 displaying the Charlottesville, Virginia-area Caller ID 434-972-1488, to recipients with Charlottesville-area phone numbers. *See Ex. B1 (Rhodes–EVS Call Records) at rows 30,445–30,737, 30,744–31,005, 31,124–31,298, 31,596–31,666, 31,832–31,966, 31,994–32,078, 32,202–32,400, 34,668–34,925; Aloisio Decl. ¶ 15 (434 is the area code for Charlottesville).*

66. That caller ID was not assigned to Rhodes. *See Ex. A1 (Responses to First Interrogatories) at Response 8 (434-972-1488 was not one of Rhodes’ assigned phone numbers); Ex. A29 (CenturyLink 434-972-1488 & 850-222-1488 subpoena response), at USA_00004060 (showing 434-972-1488 was not assigned to Rhodes).*

67. Recipients of the spoofed August 15–September 2, 2018 calls filed reports with police regarding disturbing robocalls. For example, Ex. A30 (Gertner police report) shows police received a report from an individual who received a robocall at 434-244-#AE on August 16, 2018.

68. Row 30,768 of the EVS call records for Rhodes’ account reflects a call to that number on that day. Ex. B1 (Rhodes–EVS Call Records).

69. Likewise, Ex. A31 (Barnett first police report) shows police received a report from an individual who received a robocall at 434-979-#AF in early September.

70. Row 34,695 of the EVS call records for Rhodes’ account reflects a call to that number in that time period. Ex. B1 (Rhodes–EVS Call Records).

71. Likewise, Ex. A32 (Anderson police report) shows police received a report from an individual who received a robocall at 434-296-#AG on August 27, 2018.

72. Row 32,056 of the EVS call records for Rhodes’ account reflects a call to that number on that day. Ex. B1 (Rhodes–EVS Call Records).

73. Likewise, Ex. A34 (Galgano et al. police report) reflects police received reports from individuals who received a robocall at 434-977-#AH, 434-295-#AI, and 434-980-#AJ, on August 15–16, 2018.

74. Rows 30,458, 30,474, and 30,757 of the EVS call records for Rhodes' account reflect calls to those numbers on those days. Ex. B1 (Rhodes-EVS Call Records).

75. 434-980-#AJ was the phone number for Laura Galgano's business. Ex. A35 (Galgano Decl.).

76. Galgano retained a copy of the spoofed robocall message left in her voicemail and provide it to the government. *See* Ex. A35 (Galgano Decl.).

77. The recording states:

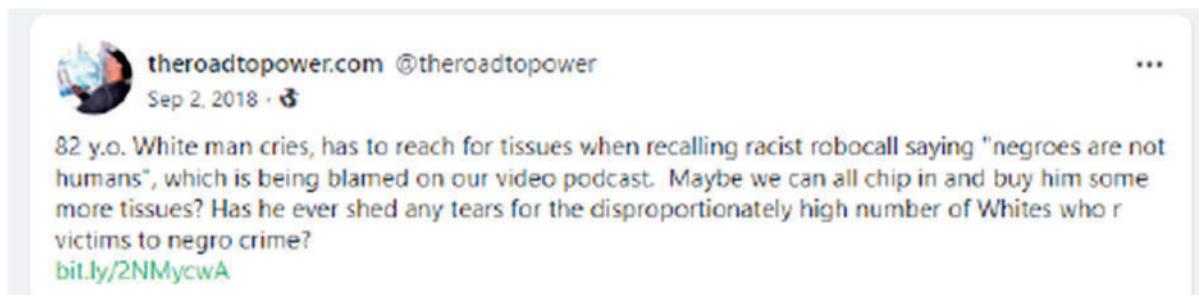
[Male Voice]: Negroes are not human. Negroes are low-IQ, violent, impulsive animals meant for brutal, primitive life in tropical Africa. Not only are Negroes incapable of contributing to white civilization, they are destroying it and us. Negro males are less than seven percent of the U.S. population, but commit a third of all rape, half of all murders. Negroes ruin every place they infest in large numbers, like Detroit. No white civilization has ever survived mixing with the Negro animal, whether Ancient Egypt or today's South Africa. It's time to expel all Negroes to Africa or it will end America. Jefferson said so. Lincoln said so. Negroes were never meant to be citizens here and the mere idea was seen as absurd by our Founders. Time to publicly admit the illegal way the Fourteenth Amendment was passed,

strip the Negro animals of citizenship, and expel them to Africa. End the Negro plague now. Before it's too late.

[Male Voice 2]: This message paid for by theroadtopower.com.

Ex. B24 (Galgano August-September Charlottesville robocall recording).

78. The robocalls generated media stories featuring distraught recipients, which Rhodes tracked and discussed publicly. For example, a September 2, 2018 @theroadtopower Gab account post linked to a report about an 82-year-old who wept when recalling the spoofed robocall, and ridiculed him:



Ex. A27 (9/2/18 Gab post 1).

79. The article linked in the @theroadtopower Gab account post includes a transcription of the robocall matching Galgano's recording. Ex. A36 (9/2/2018 San Francisco Chronicle article), at USA_00004605; Aloisio Decl. ¶ 63.

80. In his September 23, 2018 podcast, Rhodes discussed a news report in which a Charlottesville-area woman described how receiving the spoofed robocall "put a pit in my stomach." Ex. B18 (9/23/18 RTP) at 3:30–5:30.

81. That news report also plays audio of the robocall, which matches Galgano's recording, and the report notes that the robocall "looks like a local number with a 434 area code." *Id.*

82. In the same September 23, 2018 podcast in which he discussed the news report, Rhodes also quipped that he had caused so many tears that he would need a water tower to contain them all. Ex. B18 (9/23/18 RTP) at 1:00–2:00.

b. The August 2018 Iowa campaign

83. Around August 2018, Brooklyn, Iowa became a focus of national media attention related to the murder of resident Mollie Tibbetts by a Mexican national. *See, e.g.*, Ex. A37 (8/21/18 Des Moines Register article).

84. After Mollie's death, her father, Robert Tibbetts, became concerned that his daughter's death was leading to backlash against Hispanics. So, at his daughter's memorial service on August 26, 2018, Mr. Tibbetts specifically thanked the local Hispanic community and made statements in their support. Ex. A38 (Tibbetts Decl.) ¶¶ 4–6.

85. Mr. Tibbetts' comments at his daughter's memorial service were widely publicized. *See, e.g.*, <https://www.desmoinesregister.com/story/news/crime-and-courts/2018/08/26/mollie-tibbetts-funeral-missing-iowa-body-found-family-update-death-brooklyn-murder-cristhian-rivera/1103580002/>.

86. The EVS call records for Rhodes' account show thousands of calls made from August 28–30, 2018 displaying the spoofed Brooklyn, Iowa-area Caller ID 641-522-1488. *See* Ex. B1 (Rhodes–EVS Call Records); Aloisio Decl. ¶ 15 (641 is the area code for Brooklyn, Iowa).

87. That caller ID was not assigned to Rhodes. *See* Ex. A1 (Responses to First Interrogatories) at Response 8 (641-522-1488 was not one of Rhodes' assigned phone numbers).

88. These calls are reflected in rows 32,406–33,545 of the EVS call records for Rhodes' account. Ex. B1 (Rhodes–EVS Call Records).

89. The great majority of the calls were placed to phone numbers with Brooklyn and Central Iowa area codes, including 641, 319, and 515. *See* Ex. B1 (Rhodes–EVS Call Records); Aloisio Decl. ¶ 15 (641, 515, and 319 are all central Iowa area codes).

90. FCC found Rhodes liable for violating the Truth in Caller ID Act and Rule in connection with 837 of the spoofed calls displayed in those rows. *See* (Doc. 1-1 ¶¶ 10, 18 (finding 837 violations)); (Doc. 1-3 ¶¶ 7, 28 (same)); Ex. B2 at Sheet 1 (identifying specific spoofed calls reflected in the EVS call records for Rhodes' account associated with those violations).

91. Row 32,556 of the EVS call records for Rhodes' account reflects a call to 515-285-#AK, on August 28, 2018. Ex. B1 (Rhodes–EVS Call Records).

92. Sean Bagniewski received calls to that phone number, 515-285-#AK, on his cell phone in 2018. Ex. A39 (Bagniewski Decl.) ¶ 2.

93. Bagniewski recalls receiving a “disgusting robocall voicemail” on his cell phone shortly after Mollie Tibbetts’ death, a copy of which he provided to the government. Ex. A39 (Bagniewski Decl.) ¶¶ 3–5.

94. The recording Bagniewski provided states:

[Male Voice 1]: The body of twenty-year-old Mollie Tibbetts was found in a corn field after she was stabbed to death by an invader from Mexico. A biological hybrid of white and his savage Aztec ancestors who also killed with knives during their mass human sacrifices on top of pyramids they didn’t build. Some relatives of Mollie Tibbetts are implying that, despite having been murdered by a non-white savage intruder, she would still support the invasion of America by a brown horde currently at a staggering fifty-eight million. But you know in your heart they are wrong. If after her life has now been brutally stolen from her, she could be brought back to life for just one moment and asked, “What do you think now?” Mollie Tibbetts would say:

[Female Voice]: “Kill them all.”

[Male Voice 1]: We don’t have to kill them all, but we do have to deport them all. The Aztec hybrids, known as Mestizos, are low-IQ,

bottom-feeding savages, and it is why the countries they infest are crime-ridden failures. That's now America's fate too unless we re-found America as whites-only and get rid of them now. Every last one.

[Male Voice 2]: This message paid for by theroadtopower.com.
Ex. B25 (Bagniewski Iowa robocall recording).

95. Along with the call to Bagniewski, Row 32,878 of the EVS call records for Rhodes' account reflects a call to 515-809-#AL, on August 29, 2018 at 11:11 am CT. Ex. B1 (Rhodes-EVS Call Records).

96. That phone number, 515-809-#AL, was the number for the restaurant where Iowa resident Liz Ramey worked. She answered Rhodes' spoofed call, and shortly after, she filed a sworn complaint with FCC. The complaint states: "Received phone call recording from Road to Power organization with white power propaganda in relation to the death of Mollie Tibbetts. Most disturbing and unwanted phone call I've ever received. Could greatly upset a large amount of people, especially friends and family of Mollie Tibbetts." Ex. A40 (Ramey Decl.).

97. Row 33,329 of the EVS call records for Rhodes' account reflects a call to 515-224-#AM, on August 29, 2018. Ex. B (Rhodes-EVS Call Records).

98. Susan Thoma Garvin received calls to that phone number, 515-224-#AM, on her landline in 2018. Ex. A41 (Thoma Garvin Decl.) ¶ 2.

99. Thoma Garvin recalls receiving “a horribly disturbing robocall about [Mollie Tibbetts’] death in [her] voicemail[.]” Her description of the call matches the description of the call left in Sean Bagniewski’s voicemail. She found it “frightening.” Ex. A41 (Thoma Garvin Decl.) ¶¶ 2–7.

100. Row 32,697 of the EVS call records for Rhodes’ account reflects a call to 415-243-#AN [REDACTED], on August 29, 2018 at 8:57 am Central Time. Ex. B1 (Rhodes–EVS Call Records).

101. That phone number, 415-243-#AN [REDACTED], was the phone number for Robert Tibbetts’ office line, and this contact information could be found online in 2018. Ex. A38 (Tibbetts Decl.) ¶ 10.

102. Mr. Tibbetts was living in California at that time. Ex. A2 (Tibbetts Decl.) ¶¶ 1–2.

103. His 415 California phone number is the only California phone number to appear in that portion of the EVS call records for Rhodes’ account. Ex. B1 (Rhodes–EVS Call Records).

104. In August 2018, voice messages left on Mr. Tibbetts’ work phone were automatically emailed to him. Ex. A38 (Tibbetts Decl.) ¶ 10.

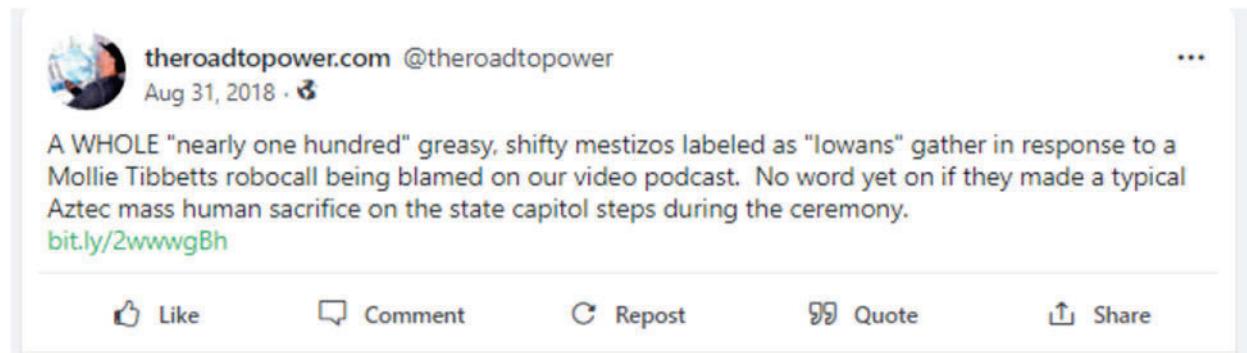
105. On August 29, 2018 at around 7:00 am Pacific Time, Mr. Tibbetts received an email via his office system with the subject line “Voicemail from

BROOKLYN IA (+16415221488)" which included an attached voicemail. Ex. A42 (8/29/18 Tibbetts email); Ex. A38 (Tibbetts Decl.) ¶¶ 7–11.

106. Mr. Tibbetts provided that email and the attached voicemail to the government. Ex. A38 (Tibbetts Decl.) ¶¶ 10–11. The attached voicemail is the same robocall that was left in Sean Bagniewski's voicemail. Ex. B26 (Tibbetts Iowa robocall recording).

107. Tibbetts saw a voicemail from a Brooklyn number and assumed it originated from a member of the Brooklyn community. For that reason, he played the voicemail. He found the spoofed robocall extremely disturbing and upsetting. His wife was so upset that she became "physically sick[.]" Ex. A38 (Tibbetts Decl.) ¶¶ 7–11.

108. An August 31, 2018 @theroadtopower Gab account post links an article about the robocall and the reaction it elicited, with the comment:



theroadtopower.com @theroadtopower
Aug 31, 2018 · 3

A WHOLE "nearly one hundred" greasy, shifty mestizos labeled as "Iowans" gather in response to a Mollie Tibbetts robocall being blamed on our video podcast. No word yet on if they made a typical Aztec mass human sacrifice on the state capitol steps during the ceremony.
bit.ly/2wwwgBh

Like Comment Repost Quote Share

Ex. A26 (8/31/18 Gab post).

109. Later, during the same September 2018 podcast episode in which he mocked the woman upset by the August Charlottesville robocall, *see supra* ¶¶ 80–

83, Rhodes discussed multiple reports describing the distress the Iowa spoofed robocalls caused, while images of those reports displayed. Ex. B18 (9/23/18 RTP) at 1:30–6:00 (showing images of Ex. A43 (9/3/18 ABC report), Ex. A44 (8/30/18 Daily Beast Report), and Ex. A45 (8/30/18 NY Post report)). *See* Aloisio Decl. ¶¶ 70–72.

110. The reports describe that “Iowans this week received pre-recorded calls advocating for the murder of all Mexican immigrants[,]” and characterize the robocalls as “an attack on Tibbetts’ family.” Ex. A44 (8/30/18 Daily Beast Report) at USA_00007492–93.

111. A copy of the robocall was also apparently posted to [theroadtopower.com SoundCloud account at the URL:](https://soundcloud.com/user-316318456-302111820/mollie-tibbetts-murdered)
<https://soundcloud.com/user-316318456-302111820/mollie-tibbetts-murdered>. *See id.* (showing webpage established by theroadtopower.com account with a since-removed audio file).

c. The September 2018 Idaho campaign

112. After the *Sandpoint Reader*’s initial reporting about Rhodes in December 2017, the *Reader* continued publishing articles about Rhodes, including about the “theroadtopower.com” robocalls. *See* Ex. A4 (Olson Decl.) ¶¶ 5–6.

113. Around September 2018, Ben Olson, the *Reader*'s publisher, contacted the owner of Rhodes' home in Sandpoint seeking comment for a story about the robocalls. *Id.*

114. Around that time, the property owner informed Rhodes he would be terminating Rhodes' lease, and according to Rhodes, stated he was doing so because Ben Olson had contacted him about Rhodes. Ex. A3 (Rhodes Depo.) at 71:1–72:15.

115. In his September 23, 2018 podcast, Rhodes ranted about how media members who expose White Nationalists to mistreatment are “literally terrorists who use the power of the organization and of the ad dollars to not merely lie but to intimidate people and punish them with persecution[.]” Ex. B18 (9/23/18 RTP) at 15:30–16:15. He concluded, “those individuals need to be named; they need to be targeted; they need to be punished; they need to be dealt with by the means available to us now.” *Id.* at 17:00–17:45.

116. In mid-September, Olson received reports from friends and acquaintances that they had received a robocall calling Olson a “cancer” and saying he needed to be “burned out.” See A4 (Olson Decl.) ¶¶ 7–9.

117. Leonard Hess, a *Reader* advertiser, was one of the acquaintances who received the robocall, and he emailed Olson a copy of the message left in his voicemail. Ex. A46 (Hess Decl.).

118. Hess retained a copy of his email to Olson with the robocall message, and he forwarded it to the government. Ex. A46 (Hess Decl.).

119. The robocall message states:

[Male Voice 1]: Ben Olson is a cancer on wholesome North Idaho, and cancer must be burned out. Ben Olson is a degenerate bartender with no education or training in reporting, whose co-conspirator bought him a bankrupt arts and entertainment paper, the *Sandpoint Reader*, which he now uses to push his destructive, leftist agenda on our people. Burn out the cancer. Ben Olson blackmailed one of our local business owners, threatened to write about him to harm his business if he didn't evict his residential tenant—someone whose politics Ben Olson doesn't like. Doesn't sound like a real paper, does it? It's not. It's a cancer. And cancers must be burned out. Punish his advertisers for feeding the cancer on our town. Burn out the cancer, Ben Olson, and send a message to the rest of his tiny, leftist cabal that their time is over and it can happen to them too. Burn out the cancer, Ben Olson, or the cancer that he is will spread and kill. Burn it out.

Ex. B27 (Hess Idaho robocall recording).

120. The EVS call records for Rhodes' account display hundreds of calls made from September 21 to September 24 displaying the spoofed Sandpoint caller

ID 208-265-0802. Ex. B1 (Rhodes–EVS Call Records); Aloisio Decl. ¶ 15 (the area code for Sandpoint, Idaho is 208).

121. That caller ID was not assigned to Rhodes. *See* Ex. A1 (Responses to First Interrogatories) at Response 8 (208-265-0802 was not one of Rhodes' assigned phone numbers); Ex. A47 (Frontier Communications 208-265-0802 subpoena response), at USA_00003969, 75 (showing 208-265-0802 was not assigned to Rhodes).

122. These calls are reflected in rows 35,382–36,279 of the EVS call records for Rhodes' account. Ex. B1 (Rhodes–EVS Call Records).

123. FCC found Rhodes liable for violating the Truth in Caller ID Act and Rule in connection with 750 of the spoofed calls displayed in those rows. *See* (Doc. 1-1 ¶¶ 13, 29, 30 (finding 750 violations)); (Doc. 1-3 ¶ 7, 33 (same)); Ex. B2 at Sheet 2 (identifying specific spoofed calls reflected in the EVS call records for Rhodes' account associated with those violations).

124. The great majority of the calls were placed to phone numbers with Sandpoint-area area codes, including 208. Ex. B1 (Rhodes–EVS Call Records).

125. Row 35,416 of the EVS call records for Rhodes' account reflects a call to 208-263-#AO, on September 21, 2018. Ex. B1 (Rhodes–EVS Call Records).

126. That phone number, 208-263-[#AO], was Regina Danielsson's landline phone number. Ex. A48 (Danielsson Decl.).

127. On September 21, 2018, shortly after the EVS records show the call to her number, Danielsson emailed Ben Olson:

"Ben, you don't know me but I got a crazy message on my home phone regarding you. The number registered 208-265-0802, referring to you as a cancer which needs to be burned out. I didn't realize what this was so I cutoff after a few words, but I saved it on my old fashion answering machine. You can call me on my business phone if you want to talk to me or come to my house and listen to what I have, I live in town. . . .

Ex. A49 (9/21/18 Danielsson email); Ex. A48 (Danielsson Decl.) ¶ 3.

128. Row 36,150 of the EVS call records for Rhodes' account reflects a call to 208-265-[#AP], on September 24, 2018. Ex. B1 (Rhodes—EVS Call Records).

129. That phone number, 208-265-[#AP], was Cynthia Thomas' landline phone number. Ex. A50 (Thomas Decl.).

130. Thomas recalls receiving a "creepy robocall" that "called Ben Olson of the Sandpoint *Reader* a cancer and said he needed to be burned out" twice in September 2018, the second time to her landline. Ex. A50 (Thomas Decl.) ¶¶ 2–5.

131. Row 35,726 of the EVS call records for Rhodes' account reflects a call to 208-265-[#AQ] on September 21, 2018. Ex. B1 (Rhodes—EVS Call Records).

132. That phone number, 208-265-[REDACTED], was the phone number for Cassandra Cayson's restaurant, Forty-One South. Ex. A51 (Cayson Decl.).

133. In 2018, Cayson advertised with the *Reader*. Ex. A51 (Cayson Decl.)

¶ 1.

134. On September 24, 2018, Cayson received a "really strange and threatening message through the customer submission webpage" for her restaurant. The message stated:

To see what happened to your advertising dollars after they got to Ben Olson at the Reader, see the video below.

<https://www.youtube.com/watch?v=Chyf48UzTUU> And that will keep happening to your ad dollars for as long as you send them to support the blackmailer Ben Olson. Ben Olson recently blackmailed a decades-long resident here, family man, business man, that Olson would write about him to harm him if he didn't evict a residential tenant of his whose politics Olson doesn't like. That is how Olson uses your money you send to him. That is how he uses the paper that was bought for him. For that reason, if you allow Olson to continue his unethical behaviors by advertising with him, you will start getting named next, just as thoroughly and repeatedly to all the townspeople directly as Olson is being named now. Not your business, you the owner, by name. Anyone who now knowingly financially supports his behavior is as guilty as the one doing it.

Ex. A51 (Cayson Decl.) ¶¶ 2–3 & Attachment.

135. Cayson forwarded that message to the *Reader* with the cover message: "We've been getting a few automated calls bashing the Reader and Ben and then I got his email today threatening me personally for advertising with you guys. What the heck is going on? . . ." Ex. A51 (Cayson Decl.) ¶¶ 2–3 & Attachment.

136. Other *Reader* advertisers whose numbers also appear in the EVS call records for Rhodes' account forwarded similar messages. For example, Olson received an email from Jon Hagadone of the Idaho Pour Authority forwarding the same message. Ex. A52 (9/24/18 Hagadone email).

137. Olson also received an email from Mark Deibel of MickDuff's Brewing Company forwarding the same message. Ex. A53 (9/24/18 Deibel email).

138. Phone numbers associated with Idaho Pour Authority and MickDuff's Brewing Company also appear in September entries in the EVS call records for Rhodes' account at rows 36,395, 36,396, 36,497, 36,515, 36,521, 36,564. Ex. B1 (Rhodes-EVS Call Records). *See also* Ex. A52 (9/24/18 Hagadone email) (providing 208-597-7096 as phone number for Idaho Pour Authority); Aloisio Decl. ¶¶ 17–18 (public Internet searches show 208-597-7096 is a publicly available phone number for Idaho Pour Authority and 208-255-4351 is a publicly available phone number for MickDuff's Brewing Company).

d. The October 2018 Florida campaign

139. In September and October 2018, Florida was in the midst of a governor's race that included gubernatorial candidate Andrew Gillum. *See* Ex. B20 (3/29/20 RTP) at 41:30–50:21 (discussing Gillum's campaign).

140. In his September 23, 2018 podcast episode, Rhodes discussed an August–September “theroadtopower.com” robocall to Florida at length. Ex. B18 (9/23/18 RTP) at 1:30–6:00.

141. That Road to Power episode plays a clip of a September 1, 2018 CBSN Florida report describing a robocall “to voters in Florida impersonating the Democratic candidate for governor, Andrew Gillum” which “reportedly said it was paid for by theroadtopower.com.” *Id.*

142. On that episode, Rhodes also discussed numerous reports describing the Florida robocalls, while images of those reports displayed. *Id.* (displaying Ex. A54 (9/1/18 NY Times report), Ex. A55 (9/3/18 NPR report), and Ex. A56 (8/31/18 USA Today report)); *see also* Aloisio Decl. ¶¶ 81–83.

143. One of the reports notes that the call involves a “man pretending to be Mr. Gillum . . . talking in the exaggerated accent of a minstrel performer” and that the call ends with a man saying “the message was paid for by the Road to Power[.]” Ex. A54 (9/1/18 NY Times report).

144. Another report Rhodes posted provides a similar description and notes that the robocalls appear to violate Florida and federal law:

In Florida, robocalls supporting or opposing nonfederal candidates or ballot proposals need a financial disclaimer — as well as a registered agent in the state, which the Idaho-based calls may not be able to prove. The FCC also says that robocalls must “state clearly the identity of the business, individual, or other entity that is responsible

for initiating the call” at the beginning of each message — rather than impersonate someone.

Ex. A55 (9/3/18 NPR report) at USA_00007463–64.

145. Another report Rhodes posted states: “The automated calls are narrated by someone pretending to be Gillum and using an exaggerated minstrel dialect with jungle noises in the background. The calls end with a disclaimer that they were funded by The Road to Power[.]” That report also notes: “The call came from a phone number in Tallahassee with a 222 prefix.” Ex. A56 (8/31/18 USA Today report).

146. Matching the reports from Rhodes’ September 2018 podcast, the EVS call records for Rhodes’ account show hundreds of calls made from August 30 to September 1, 2018 displaying the spoofed Florida Caller ID 850–222–1488— which bears the Tallahassee area code 850 and the prefix 222. Ex. B1 (Rhodes—EVS Call Records); Aloisio Decl. ¶ 15 (850 is a Tallahassee Florida area code.).

147. That caller ID was not assigned to Rhodes. *See* Ex. A1 (Responses to First Interrogatories) at Response 8 (850–222–1488 was not one of Rhodes’ assigned phone numbers); Ex. A29 (CenturyLink 434-972-1488 & 850-222-1488 subpoena response), at USA_00004060 (showing 850-222-1488 was not assigned to Rhodes).

148. These calls are reflected in rows 33,547–34,260 of the EVS call records for Rhodes’ account. Ex. B1 (Rhodes—EVS Call Records).

149. More than a month after the last of this first set of Florida calls, the EVS call records for Rhodes' account display hundreds more calls made from October 20–23, 2018, displaying the same spoofed Florida caller ID, 850-222-1488. Ex. B1 (Rhodes–EVS Call Records).

150. These calls are reflected in rows 37,126–38,056 of the EVS call records for Rhodes' account. Ex. B1 (Rhodes–EVS Call Records).

151. FCC found Rhodes liable for violating the Truth in Caller ID Act and Rule in connection with 766 of the spoofed calls displayed in those rows. *See* (Doc. 1-1 ¶¶ 15, 18 (finding 766 violations)); (Doc. 1-3 ¶ 7 (same)); Ex. B2 at Sheet 3 (identifying specific spoofed calls reflected in the EVS call records for Rhodes' account associated with those violations).

152. The great majority of these spoofed calls were placed to phone numbers with Florida area codes, including 239, 305, 321, 352, 407, 561, 656, 727, 772, 786, 813, 850, 941, 954. *See* Ex. B1 (Rhodes–EVS Call Records); Aloisio Decl. ¶ 15 (those are all Florida area codes).

153. Row 37,926 of the EVS call records for Rhodes' account reflects a call to 352-317-#AR, on October 23, 2018. Ex. B1 (Rhodes–EVS Call Records).

154. That phone number, 352-317-#AR, was Cynthia Chestnut's cell phone number. Ex. A57 (Chestnut Decl.).

155. Chestnut recalls receiving a robocall relating to the Gillum campaign and involving an individual using “what struck [her] as a caricatured ‘Negro dialect[.]’” Ex. A57 (Chestnut Decl.) ¶ 2.

156. On October 23, shortly after receiving the spoofed robocall, she posted on social media:

I just received a very insulting robocall with a person “speaking in what they considered a Negro dialect” impersonating Andrew Gillum, promising all the chicken feet we wanted. The number that showed up on my phone was: 850-222-14888. . . . The call came from a group called, Road to Power.

Ex. A57 (Chestnut Decl.) ¶ 4.

157. In the Road to Power episode dated March 29, 2020, Rhodes hosted an extended segment on the Florida spoofed robocalls. *See* Ex. B20 (3/29/20 RTP) at 41:30–50:21.

158. During that segment, Rhodes played video from an October 24, 2018 CNN report regarding the October robocall. *Id.* at 45:30–47:00; *see also* Aloisio Decl. ¶ 23 (identifying source of CNN video as <https://www.cnn.com/2018/10/24/politics/andrew-gillum-racist-robocall-florida-governor/index.html>).

159. The portion of the CNN report Rhodes played included audio of the robocall message, which matches Chestnut’s description, and states:

[Male Voice using caricatured accent]: Well hello there. I is the Negro Andrew Gillum and I be asking you to make me governor of this here State of Florida. My esteemed opponent, who done called me monkey [monkeys screeching], is doing a lot of hollering about how expensive my plans for healthcare be. But he be thinking of the white man's medicine, which is very expensive because it uses science and whatnot.

See Ex. B20 (3/29/20 RTP) at 45:30–47:00.

160. Rhodes noted that the spoofed robocall had been attributed to him and asserted that “Florida owes the racists behind those robocalls a thank you.” Ex. B20 (3/29/20 RTP) at 41:30–50:21.

161. At the end of the same Road to Power episode, Rhodes also played the full audio of the two Gillum robocalls. *See* Ex. B20 (3/29/20 RTP) at 47:00–50:21.

162. The first robocall matches the description of the August 30–September 1 robocall in the news reports from the September 23, 2018 Road to Power episode. *See id.; supra ¶¶ 140–45.*

163. The second robocall matches Chestnut’s description of the message she received and the October 24, 2018 CNN report. *See* Ex. B20 (3/29/20 RTP) at 47:00–50:21.

164. The message states in full:

[Male Voice using caricatured accent]: Well hello there. I is the Negro Andrew Gillum and I be asking you to make me governor of this here State of Florida. My esteemed opponent, who done called me monkey [monkeys screeching], is doing a lot of hollering about how expensive my plans for healthcare be. But he be thinking of the white man's medicine, which is very expensive because it uses science and whatnot. But the medicine of my African race be very affordable. For instant, putting the chicken feets under your pillow during the full moon don't cost hardly nothing at all. So I's promise that you make me, Andrew Gillum, the governor every people's what be ailing will get all the chicken feets they need. As to the claim by my esteemed opponent that I don't like the Jews, nothing be further from the truth. It was the Jews who owned the slave trade what done brought us Negroes to America to begin with. And they the ones that been putting Negroes in charge over the white folk. Just like they done after the Civil War. All the Jews gone vote me, Andrew Gillum [monkeys screeching], governor of this here State of Florida.

[Male Voice 2]: This message paid for by theroadtopower.com.

Id.

165. The EVS call records and public records reflect that nearly all of the phone numbers called between rows 37,499 and 37,561 of the EVS records are associated with Jewish institutions. *See Aloisio Decl.* ¶ 19.

166. In his August 2018 podcast, Rhodes played several minutes of footage of a news report in which a Jewish individual discussed his distress at receiving an earlier anti-Jewish “theroadtopower.com” robocall. Rhodes said: “That’s good, Jew. Be shocked. Being shocked is at least a good start.” Ex. B17 (8/17/18 RTP) at 2:00–8:00.

e. The November 2018 Georgia campaign

167. Like Florida, the 2018 Georgia gubernatorial race involved a Black candidate, Stacey Abrams. *See Aloisio Decl.* ¶ 25.

168. The EVS call records for Rhodes’ account display hundreds of calls made from November 2–3, 2018, displaying the spoofed Georgia caller ID 770-586-1488. Ex. B1 (Rhodes–EVS Call Records); Aloisio Decl. ¶ 15 (770 is a Georgia area code).

169. That caller ID was not assigned to Rhodes. Ex. A1 (Responses to First Interrogatories) at Response 8 (770-586-1488 was not one of Rhodes’ assigned phone numbers); Ex. A58 (Windstream 770-586-1488 subpoena response) (showing 770-586-1488 was not assigned to Rhodes).

170. These calls are reflected in rows 38,242–38,956 of the EVS call records for Rhodes’ account. Ex. B1 (Rhodes–EVS Call Records).

171. FCC found Rhodes liable for violating the Truth in Caller ID Act and Rule in connection with 583 of the spoofed calls displayed in those rows. *See* (Doc. 1-1 ¶¶ 16 (finding 583 violations)); (Doc. 1-3 ¶¶ 7 (same)); Ex. B2 at Sheet 4 (identifying specific spoofed calls reflected in the EVS call records for Rhodes’ account associated with those violations).

172. The great majority of the calls were placed to phone numbers with Georgia area codes, including 229, 404, 478, 678, 706, 770, 912. *See* Ex. B1 (Rhodes–EVS Call Records); Aloisio Decl. ¶ 15 (those are all Georgia area codes).

173. Row 38,254 of the EVS call records for Rhodes’ account reflects a call to 404-704-#AS on November 2, 2018. Ex. B1 (Rhodes–EVS Call Records).

174. That phone number, 404-704-#AS, was Ivory Watts’ cell phone number. Ex. A59 (Watts Decl.).

175. Watts remembers receiving a “heartbreaking” robocall involving a “person pretending to be Oprah talking about Stacey Abrams.” She provided a copy of the robocall to the government. Ex. 59 (Watts Decl.) ¶¶ 4–7.

176. The recording states:

[Speaker]: This is the magical Negro, Oprah Winfrey, asking you to make my fellow Negress, Stacey Abrams, the governor of Georgia.

Years ago, the Jews who own the American media saw something in me: the ability to trick dumb, white women into thinking I was like them and to do, read, and think what I told them to. I see that same potential in Stacey Abrams. Where others see a poor man's Aunt Jemima, I see someone white women can be tricked into voting for, especially the fat ones. And so I promise that every single person who votes for Stacey Abrams, you're going to get a new car. So you get a car. And you get a car. And you get a car. And you get a car. Everybody gets a car. And as far as the [unintelligible] whites who are in the way? Don't worry about them. Like I said in that famous interview in two-thousand-thirteen, white racists just have to die.

[Speaker 2]: This message paid for by theroadtopower.com.

Ex. B35 (Watts 2018 Georgia robocall recording).

177. Row 38,286 of the EVS call records for Rhodes' account reflects a call to 843-628-#AT on November 2, 2018. Ex. B1 (Rhodes—EVS Call Records).

178. That phone number, 843-628-#AT, was Melissa Clink's cell phone number. Ex. A60 (Clink Decl.).

179. Clink remembers receiving a "hateful and shocking robocall voice message" on her cellphone, involving a speaker impersonating Oprah and "saying really hateful, racist, and misogynistic things." Clink thought "the caller was a

local white supremacist targeting me in particular” and after receiving the robocall she has felt the need to be “more careful than I used to be about making sure that I am safe.” Ex. A60 (Clink Decl.) ¶¶ 2–5.

180. Clink provided a copy of the robocall to the government. Ex. A60 (Clink Decl.) ¶ 5.

181. It is the same robocall as Ivory Watts provided. *See* Ex. B28 (Clink 2018 Georgia robocall recording).

182. Row 38,264 of the EVS call records for Rhodes’ account reflects a call to 229-768-#AU on November 2, 2018. Ex. B1 (Rhodes–EVS Call Records).

183. That phone number, 229-768-#AU, was Gary Day’s landline phone number. Ex. A61 (Day Decl.).

184. Day remembers receiving “a very offensive robocall message” regarding Stacey Abrams with a “very racist tone” on his landline around election day 2018. Because his “caller ID displayed a local number, [Day] thought the call came from someone nearby.” He recalled: “It made me a little bit fearful. I could not believe that someone would do something like this, and I wondered what else they might do.” Ex. A61 ¶ 2–3.

185. Row 38,253 of the EVS call records for Rhodes’ account reflects a call to 912-224-#AV on November 2, 2018. Ex. B1 (Rhodes–EVS Call Records).

186. That phone number, 912-224-#AV, was Lisa Ring's cell phone number. Ex. A62 (Ring Decl.).

187. Ring recalls receiving "a shocking robocall message" on her cell phone shortly before the 2018 governor's election. She recalls that it "referenced Stacey Abrams and said racist and outrageous things, like that she was a poor man's Aunt Jemima." Ring was "blown away[.]" Ex. A62 ¶¶ 2–3.

188. The phone numbers called in rows 38,742, 38,753, 38,766, 38,767, 38,776, and 38,785 are all associated with chapters of the NAACP or their leadership. *See* Aloisio Decl. ¶ 20.

f. The November–December 2018 Charlottesville, Virginia campaign

189. The EVS call records for Rhodes' account display thousands of calls made from November 27–December 4, 2018, displaying the spoofed Charlottesville, Virginia–area Caller IDs 434-972-1488 and 434-924-0420. Ex. B1 (Rhodes–EVS Call Records); Aloisio Decl. ¶ 15 (434 is the area code for Charlottesville).

190. Those caller IDs were not assigned to Rhodes. Ex. A1 (Responses to First Interrogatories) at Response 8 (434-972-1488 and 434-924-0420 were not among Rhodes' assigned phone numbers); Ex. A29 (CenturyLink 434-972-1488 subpoena response), at USA_00004060 (showing 434-972-1488 was not assigned to Rhodes); Ex. A63 (CenturyLink 434-924-0420 subpoena response), at

USA_00004039 (showing 434-924-0420 was assigned to the University of Virginia, not Rhodes).

191. Rows 41,891–43,598 and 44,132–44,670 of the EVS call records for Rhodes’ account show calls placed displaying the Caller ID 434-972-1488, and Rows 44,671–44,831 show calls placed displaying the Caller ID 434-924-0420 from November 27–December 4, 2018. Ex. B1 (Rhodes–EVS Call Records).

192. FCC found Rhodes liable for violating the Truth in Caller ID Act and Rule in connection with 2,023 of the calls displayed in those rows. *See* (Doc. 1-1 ¶¶ 18, 31 (finding 2,023 violations)); (Doc. 1-3 ¶¶ 7, 35 (same)); Ex. B2 at Sheet 5 (identifying specific spoofed calls reflected in the EVS call records for Rhodes’ account associated with those violations).

193. The great majority of the calls were placed to phone numbers with the area code for Charlottesville, which is 434. *See* Ex. B1 (Rhodes–EVS Call Records); Aloisio Decl. ¶¶ 15 (434 is the area code for Charlottesville).

194. The timing of these calls coincided with jury selection in the trial of James Fields for the killing of Heather Heyer following the “Unite the Right” rally in Charlottesville, an event involving violent clashes between White Nationalists and counter-protestors. *See* Ex. A64 (excerpted Field trial transcript) at USA_00000754 (showing beginning of trial on November 26, 2018); Aloisio Decl. ¶ 26 (describing event).

195. The EVS call records for Rhodes’ account show November–December, 2018 calls to many of the same Charlottesville-area numbers that were called in the August–September campaign. *See* Ex. B1 (Rhodes–EVS Call Records) (e.g. rows 32,321 & 42,294, 32,311 & 42,285, and 32,283 & 42,258 all display the same phone numbers in the “caller_destination” column (column O).).

196. Again, many people who received the November–December, 2018 spoofed calls filed reports with the police regarding upsetting robocalls—including at least one person who had already filed a report about August–September 2018 spoofed robocall. For example, Ex. A65 (Barnett second police report) shows police received a report from an individual who received a robocall at 434-979-#AF on November 27, 2018.

197. Row 42,423 of the EVS call records for Rhodes’ account reflects a call to that number on that day. Ex. B1 (Rhodes–EVS Call Records).

198. That same individual also reported the August–September robocall to police. *See* Ex. A31 (Barnett first police report), *supra* ¶¶ 68–69.

199. Additionally, Ex. A66 (Brenig police report) shows police received a report from an individual who received a robocall at 434-984-#AW on November 29, 2018.

200. Row 43,050 of the EVS call records for Rhodes’ account reflects a call to that number on that day. Ex. B1 (Rhodes–EVS Call Records).

201. Likewise, Ex. A67 (Barolsky police report) shows police received a report from an individual who received a robocall at 434-295-#AX on November 27, 2018.

202. Row 42,429 of the EVS call records for Rhodes' account reflects a call to that number on that day. Ex. B1 (Rhodes-EVS Call Records).

203. Likewise, Ex. A68 (Booth police report) shows police received a report from an individual who received a robocall at 434-971-#AY and reported it on November 30, 2018.

204. Row 42,874 of the EVS call records for Rhodes' account reflects a call to that number on November 28, 2018. Ex. B1 (Rhodes-EVS Call Records).

205. Rosa Ayers received the robocall on her landline, 434-977-#AZ, and she reported it to police. Ex. A69 (Ayers Decl.).

206. Row 42,262 of the EVS call records for Rhodes' account reflects a call to Ayers' landline on November 27, 2018 at 4:42 Central Time. Ex. B1 (Rhodes-EVS Call Records).

207. Ayres recalls receiving "a really racist and inflammatory robocall voice message" or her landline answering machine. She provided her recording of the robocall to the government. Ex. A69 (Ayers Decl) ¶¶ 2-5.

208. The recording states:

[Answering Machine Voice]: Voice message from telephone number 434-972-1488. Received on Tuesday, November 27th at 5:44 PM.

[Background music: instrumentals from Another One Bites the Dust by Queen]

[Female Voice]: Who killed Heather Heyer in Charlottesville?

[Male Voice 1]: The Jew mayor.

[Female Voice]: Who killed Heather Heyer in Charlottesville?

[Male Voice 1]: His pet Negro police chief.

[Male Voice 2]: Together they colluded to create mayhem in order to shut down speech they didn't like by a group that had a permit. They conspired to allow physical assaults by violent leftists against the permitted group as an excuse to declare a public emergency and...

[Male Voice 3]: Shut it down.

[Male Voice 1]: Due to the anarchy created by the Negro police chief, on direct order of his Jew mayor boss, a young man drove his car into a crowd blocking the street.

[Male Voice 2]: An unhealthy, morbidly obese smoker, never struck by any car, was knocked down by the crowd and she died of a heart attack, as admitted by her mother.

[Male Voice 1]: The fake news use a lying narrative to manipulate you into allowing the persecution of men great enough to speak out against the Jewish agenda for the displacement of whites in America.

[Male Voice 2]: Which includes disparaging our monuments and our history.

[Male Voice 1]: Who really belongs on trial for the heart attack of morbidly obese Heather Heyer? A Jew Mayor. A Negro police chief.

[Female Voice]: Try them. Convict them. Punish them.

[Male Voice 1]: And show them we're no longer going to tolerate a Jewish lying press and Jew corruption of the American legal system.

[Male Voice 4]: This message paid for by theroadtopower.com.

Ex. B29 (Ayers November–December Charlottesville robocall recording).²

209. Ayres said of the spoofed robocall: “[It] took me by surprise and just blew my mind. . . . I just could not imagine how anyone could be so heartless.” Ex. A69 (Ayers Decl.) ¶¶ 2–5.

210. Barbara Heritage received the spoofed robocall on her landline, 434-977-#BA, and she reported it to police. Ex. A70 (Heritage Decl.).

² Because this exhibit is a .m4r file, it may not be playable using standard desktop software. To the extent that Rhodes disputes what the recording says and it would be useful to the Court, the government can convert the file to another file type and provide that converted file to the Court.

211. Row 43,597 of the EVS call records for Rhodes' account reflects a call to Heritage's landline on November 30, 2018. Ex. B1 (Rhodes–EVS Call Records).

212. Heritage recalls receiving "a highly disturbing robocall from a Charlottesville area number" and reporting it to police. She remembers "feeling revolted when [she] listened to the robocall [as well as] quite threatened and intimidated" in part by the "idea that someone in our local community was making this robocall." Receiving it "felt like an invasion of [her] privacy." Ex. A70 (Heritage Decl.) ¶¶ 2–4.

213. Like Ayres, Heritage provided her copy of the spoofed robocall to the government. Ex. A70 (Heritage Decl.) ¶ 5.

214. Heritage's copy contains the exact same message as Ayers', except Heritage's answering machine states that the call was received on November 30 at 10:33 AM. *See* Ex. B30 (Heritage November–December Charlottesville robocall recording).

215. Kathryn Wilkerson received the spoofed robocall on the landline for the salon she managed, 434-977-#BB on November 28, 2018, and she reported it to police that day. Ex. A71 (Wilkerson police report). Ex. A72 (Wilkerson Decl.).

216. Row 42,646 of the EVS call records for Rhodes’ account reflects a call to the salon’s landline on November 28, 2018. Ex. B1 (Rhodes–EVS Call Records).

217. Wilkerson recalls receiving a “really racist and awful” robocall displaying a local caller ID. She remembers “it called Heather Heyer fat and said she died of a heart attack,” which was particularly disturbing for Wilkerson, who remembered watching Heyer receive CPR on TV. Wilkerson “felt sick and scared” after receiving the spoofed robocall. She was so concerned that she told her coworkers “to leave in pairs to make sure they would be safe” when they left the salon that night. Ex. A72 (Wilkerson Decl.) ¶¶ 2–5.

218. University of Virginia personnel reported the spoofed robocall to their telecom provider. *See* Ex. A73 (12/4/18 UVA email).

219. The calls were subsequently traced back to EVS, which terminated Rhodes’ account on December 4, 2018, emailing Rhodes: “Our phone carrier has informed us that you are spoofing Caller ID numbers when you are making calls. That practice is illegal. Because of this, they are forcing us to terminate your service effective immediately. Also I have attached a copy of our Agreement which you signed. That Agreement states that your Caller ID must be truthful.” Ex. A74 (12/4/18 Hardgrave email).

220. EVS found in Rhodes' account a copy of an audio recording uploaded on or about November 27, 2018, and EVS provided that audio recording to the government. Ex. A14 (Hardgrave Decl.) ¶ 11.

221. It is the same robocall message that was left on Ayres' and Heritage's answering machines. *See* Ex. A31 (EVS November-December 2018 Charlottesville robocall recording).

222. The EVS call records for Rhodes' account show that by the time EVS terminated service, Rhodes' Power Dialer account had been used to make over 30,000 calls displaying misleading and inaccurate caller ID information. Ex. B1 (Rhodes-EVS Call Records).

223. Rows 5,405–44,831 reflect these calls. They show thousands of calls displaying the caller ID 415-295-4776 made after j2 revoked Rhodes' access to that number, and more than 20,000 calls displaying other caller IDs that did not belong to Rhodes. Ex. B1 (Rhodes-EVS Call Records).

g. The 2019 campaigns

224. In 2019, residents of Georgia received another spoofed robocall ending with an attribution to theroadtopower.com, this one from the spoofed caller ID 770-716-1488. Lisa Ring, who received Rhodes' November 2018 Georgia spoofed robocall, received this spoofed robocall in her voicemail too. She

described it as “even worse than the first” and “outrageously racist[.]” Ex. A62 (Ring Decl.) ¶ 4.

225. She provided a copy of the spoofed robocall to the government. Ex. A62 (Ring Decl.) ¶ 5.

226. The file name shows the call was received from 770-716-1488, a Georgia caller ID. Ex. 75 (2/13/22 Ring email).

227. The recording states:

[Male Voice]: Expecting Negroes to act like real humans was the only mistake made by Hannah Payne from Fayette County, Georgia. On May 8th, a 21-year-old white American, Hannah Payne, tried to hold a male Negro accountable to the standards of actual humans.

[Female Voice]: When she stopped him after he committed a hit-and-run, a physical struggle ensued, of course.

[Male Voice]: Because Negroes are provedly more violent.

[Female Voice]: Something every experienced police officer knows.

[Male Voice]: As a result, he got shot, and now Hannah Payne is being charged with murder—something that never would have happened if it was a white, mature male who got shot because he chose to physically struggle with a young female. But due to the anti-

white lie that Negroes are victims, she's been cast as the criminal,

when in fact it was the Negro. Negroes aren't Americans.

[Female Voice]: They aren't even fully human.

[Male Voice]: Time to send them all to Africa.

[Female Voice]: They don't fit in here.

[Male Voice]: They don't belong here.

[Female Voice]: In your heart, you know it's true.

[Male Voice]: Hannah Payne did nothing wrong.

[Female Voice]: Tell the District Attorney of Clayton County,

Georgia...

[Male Voice]: Free Hannah Payne.

[Male Voice 2]: This message paid for by theroadtopower.com.

Ex. B32 (Ring 2019 Georgia robocall recording).³

228. Bradley Sanders also received the robocall on his home voicemail, 770-719-#BC. Ex. A76 (Sanders Decl.).

229. He recalls that the robocall was "incredibly racist" and receiving it made him "furious." He reported the robocall to FCC and also contacted the local CBS affiliate. Ex. A76 (Sanders Decl.) ¶¶ 2-5.

³ Because this exhibit is a .amr file, it may not be playable using standard desktop software. To the extent that Rhodes disputes what the recording says and it would be useful to the Court, the government can convert the file to another file type and provide that converted file to the Court.

230. That CBS affiliate did a news segment on the spoofed robocall dated May 17, 2019. That segment plays a portion of the robocall left on Sanders' voicemail. It is the same robocall as Lisa Ring received. *See* Ex. B33 (5/17/19 CBS new segment); Ex. A76 (Sanders Decl.) ¶¶ 2–5.

231. On or around December 25, 2019, hundreds of people associated with Barnard College and Columbia University received another “Road to Power” robocall, this one displaying the caller ID 212-796-5706. Columbia University has provided call records displaying hundreds of calls received from the New York Caller ID 212-796-5706 on December 25, 2019. Columbia also provided a copy of the robocall message left in a Columbia University voicemail in one of those calls. Ex. A77 (Columbia University call records).

232. The recording states:

[Male Voice]: On December 11th, an eighteen-year-old white college student named Tessa Majors died in a Manhattan park from stabbings by three Negroid animals, ages thirteen and fourteen. But who really killed Tessa Majors? Her parents, because they never taught her that Negros aren't fully human and are dangerous animals to be avoided. During her young life, Tessa Majors many times consort with Negroids little knowing that each of those encounters brought her statistically closer to the one that would end with her dying alone on a

cold night, in an empty park, two weeks before Christmas. Just like the foolish Timothy Treadwell, who was eaten alive by a Kodiak bear, under the delusion that they weren't unpredictable wild animals, just because he had previous encounters unharmed. This recording of his final screams could've been similar to the last sounds ever made by white teenager Tessa Majors as she was stabbed over and over by another animal: the Negro.

[Sounds of a person screaming and a bear growling]

[Male Voice]: Negros are less than thirteen percent of the U.S. population but commit over fifty percent of all murders every year. Our civilization is doomed to die if it continues to let the impulsive, low-IQ Negro species live among us. Time to get rid of them all. Return to citizenship being whites only and deport all Negroids to Africa. Until we do, the blame for every future Tessa Majors killed by the Negro sub-human is on all of our heads. And remember to teach your children: around Blacks, never relax.

[Male Voice 2]: This message paid for by theroadtopower.com.

Ex. B44 (Columbia New York robocall recording).

V. Effect of the Robocalls on Rhodes' Podcast and Stature

233. Where Rhodes had hosted a Road to Power podcast episode every week in March and April 2018, he hosted only one episode during each month of June, July, August, and September 2018, and none from October 2018 to January 2020. *See* www.bitchute.com/channel/theroadtopower/; Exs. B3–B21 (All RTP Episodes).

234. During those months, the EVS call records for Rhodes' account show Rhodes spent hundreds of hours making calls using the Power Dialer. *See* Ex. B1 (Rhodes–EVS Call Records).

235. In the Road to Power episode dated February 29, 2020, Rhodes claimed that The Road to Power had some 29,000 subscribers. Ex. B19 (2/29/20 RTP), at 1:00-2:00.

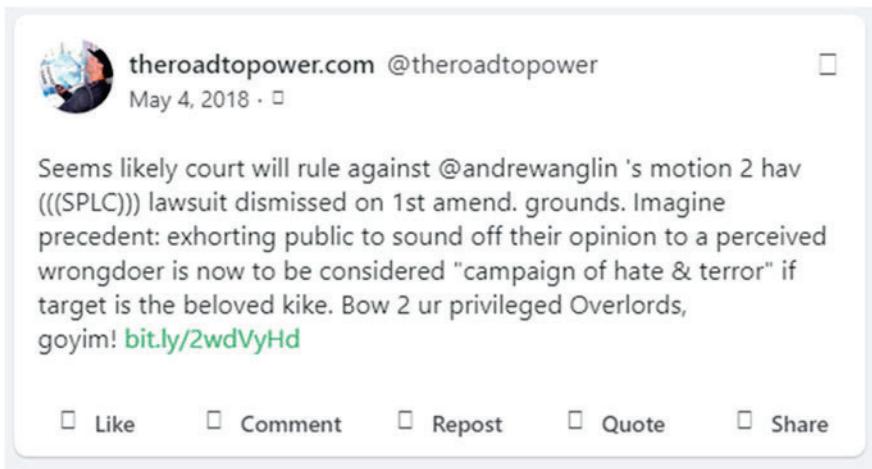
236. Likewise, Rhodes stated that the Road to Power was “undisputedly the country’s most famous racial video podcast,” in the Road to Power episode dated April 20, 2020. Ex. B21 (4/20/20 RTP), at 7:45-8:30.

237. That statement is followed immediately by a clip of an episode of *All In With Chris Hayes* discussing the October 2018 Florida robocall campaign. *See* Ex. B21 (4/20/20 RTP), at 7:45-8:30; <https://www.msnbc.com/transcripts/all-in/2018-10-23-msnbc1157751> (transcript of the video played in that podcast); Aloisio Decl. ¶ 24 (identifying video).

VI. Rhodes Knew His Robocalls Exposed Him to Significant Legal Liability

238. Rhodes knew that a prominent White Nationalist, Andrew Anglin, was sued by a private plaintiff in this Court for engaging in harassing conduct. During the Road to Power episode dated May 6, 2018, Rhodes discussed a Report and Recommendation to deny Anglin's motion to dismiss in that case, *Gersh v. Anglin*, Civ. No. 17-50-M-DLC-JCL, 2018 WL 4901243 (D. Mont. May 3, 2018). Rhodes expressed his view that the opinion reflected the unfair and dangerous legal liability White Nationalists who engage in allegedly harassing conduct face in tort suits. Ex. B12 (5/6/18 RTP) at 43:00-46:30.

239. A May 4, 2018 @theroadtopower Gab account post includes a similar discussion:



theroadtopower.com @theroadtopower
May 4, 2018 ·

Seems likely court will rule against @andrewanglin 's motion 2 hav (((SPLC))) lawsuit dismissed on 1st amend. grounds. Imagine precedent: exhorting public to sound off their opinion to a perceived wrongdoer is now to be considered "campaign of hate & terror" if target is the beloved kike. Bow 2 ur privileged Overlords, goyim! bit.ly/2wdVyHd

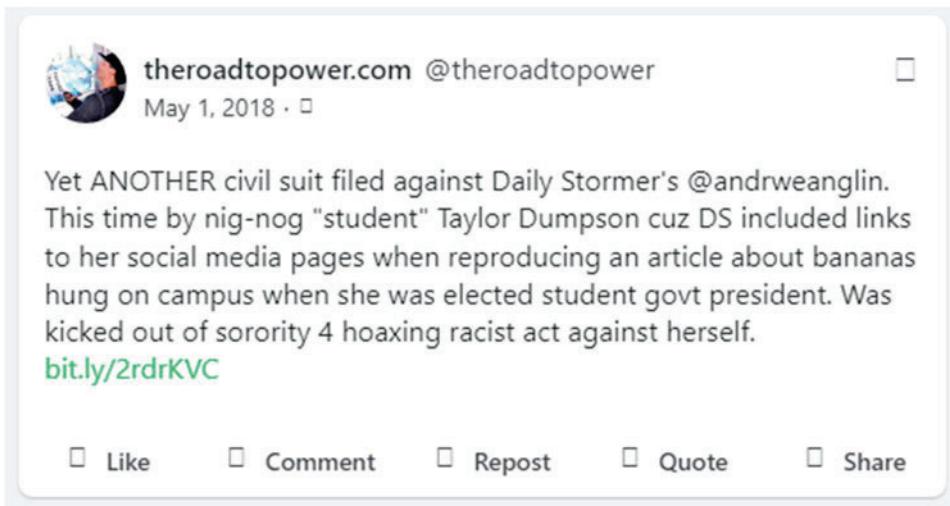
Like Comment Repost Quote Share

Ex. A79 (5/4/18 Gab post).

240. Rhodes also discussed various other civil lawsuits against Anglin. For example, in the same Road to Power episode in which he discussed the suit against

Anglin brought in this Court, Rhodes discussed a second private tort suit brought against Anglin. Ex. B12 (5/6/18 RTP) at 43:00-46:30.

241. A May 1, 2018 @theroadtopower Gab account post includes a discussion of that same private tort suit:



theroadtopower.com @theroadtopower
May 1, 2018 · [View](#)

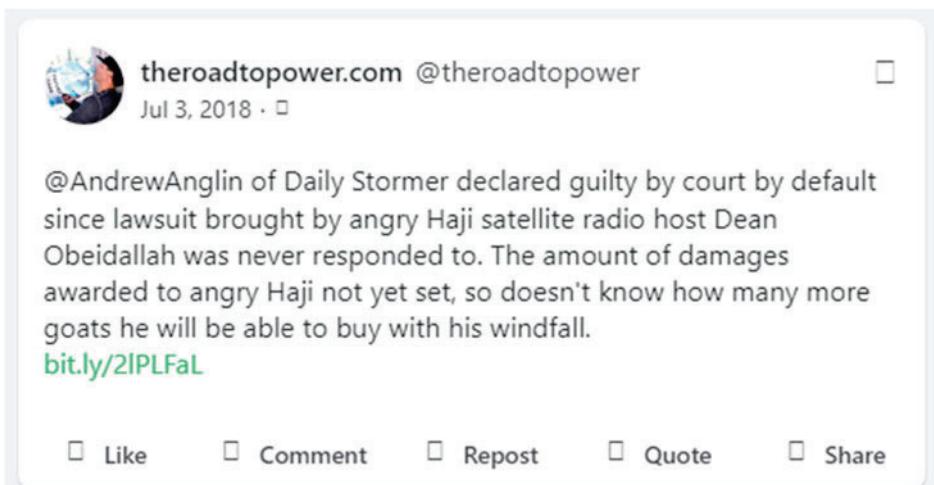
Yet ANOTHER civil suit filed against Daily Stormer's @andrweanglin. This time by nig-nog "student" Taylor Dumpson cuz DS included links to her social media pages when reproducing an article about bananas hung on campus when she was elected student govt president. Was kicked out of sorority 4 hoaxing racist act against herself.

bit.ly/2rdrKVC

[Like](#) [Comment](#) [Repost](#) [Quote](#) [Share](#)

Ex. A78 (5/1/18 Gab post).

242. Additionally, a July 3, 2018 @theroadtopower Gab account post includes a discussion of a third private tort suit against Anglin:



theroadtopower.com @theroadtopower
Jul 3, 2018 · [View](#)

@AndrewAnglin of Daily Stormer declared guilty by court by default since lawsuit brought by angry Haji satellite radio host Dean Obeidallah was never responded to. The amount of damages awarded to angry Haji not yet set, so doesn't know how many more goats he will be able to buy with his windfall.

bit.ly/2IPLFaL

[Like](#) [Comment](#) [Repost](#) [Quote](#) [Share](#)

Ex. A80 (7/3/18 Gab post).

243. Rhodes also discussed legal actions taken against other apparent White Nationalists. For example, in the same Road to Power episode in which he discussed the private tort actions against Anglin, Rhodes also discussed the execution of a search warrant at the home of an apparent White Nationalist. Ex. B12 (5/6/18 RTP) at 43:00-49:00.

244. In another podcast, Rhodes described private civil lawsuits against White Nationalists as “lawfare.” Ex. B21 (4/20/20 RTP), at 22:30-23:00.

245. Rhodes also displayed an awareness that persons who use the interstate telephone lines to make harassing calls can face liability, and he repeatedly advised Road to Power viewers how to make unwanted phone calls without incurring legal liability. For example, in the Road to Power episode dated April 7, 2018, Rhodes provided the phone number for an interracial couple and encouraged viewers to telephone them and call them slurs; but Rhodes advised viewers to call only once and noted that “if you call more than once, it could be construed as harassment, that [is] a crime.” Ex. B8 (4/7/18 RTP) at 47:15-48:00.

246. Rhodes provided similar advice in other Road to Power segments, such as a segment in the Road to Power episode dated April 14, 2018, in which Rhodes encouraged viewers to make threatening phone calls but advised: “[D]on’t call more than once. You can make an unwanted called to somebody, but if you

make an unwanted call more than once, that can be construed as harassment and that's a crime." Ex. B9 (4/14/18 RTP) at 14:00–16:00.

247. The EVS call records for Rhodes' account show repeat calls to multiple phone numbers. Ex. B1 (Rhodes–EVS Call Records). For example, the EVS call records for Rhodes' account show multiple calls to Laura Galgano's phone number, 434-980-6666—two during the August–September 2018 Charlottesville campaigns and another during the November 2018 Charlottesville campaign, as reflected in rows 30,459, 30,757, and 41,969. Ex. B1 (Rhodes–EVS Call Records).

248. Likewise, the EVS call records for Rhodes' account show back-to-back calls to a phone number for the "Jewish Education Loan Fund," 770-396-3080, during the November 2018 Georgia campaign, as reflected at rows 38,563–64. *See* Ex. B1 (Rhodes–EVS Call Records); Aloisio Decl. ¶ 21.

249. In addition to a general awareness of telephone harassment laws, Rhodes also displayed a specific awareness that the "roadtopower.com" robocalls violated relevant robocalling laws, including provisions of 47 U.S.C. § 227. For example, as noted, Rhodes discussed in his September 23, 2018 podcast an NPR report that specifically notes that his September Florida robocalls violated Florida and federal robocalling laws:

In Florida, robocalls supporting or opposing nonfederal candidates or ballot proposals need a financial disclaimer — as well as a registered

agent in the state, which the Idaho-based calls may not be able to prove. The FCC also says that robocalls must “state clearly the identity of the business, individual, or other entity that is responsible for initiating the call” at the beginning of each message — rather than impersonate someone.

Ex. A55 (9/3/18 NPR report) at USA_00007463–64; *see also*

<https://www.npr.org/2018/09/03/644292095/florida-election-is-latest-target-of-white-supremacist-robocalls> (containing live version of the article, which includes a hyperlink to 47 CFR § 64.1200); Ex. B18 (9/23/18 RTP) at 1:30–2:30 (displaying and discussing the NPR article).

DATED this 13th day of October, 2023

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on the 13th day of October, 2023, a copy of the foregoing document was served on the following person by the following means.

1.2 CM/ECF
 Hand Delivery
 U.S. Mail
 Overnight Delivery Service
 Fax
 E-Mail

1. Clerk of Court

2. Scott Rhodes
1104 Louisiana Avenue,
Libby, MT 59923

/s/ Michael J. Wadden
Michael J. Wadden
Trial Attorney
Attorney for Plaintiff